

BILL NO. R-~~69-02-10~~
70-05-11

RESOLUTION NO. R-75-70

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE

PETITION BY WAY OF RESOLUTION TO THE ALLEN COUNTY
DRAINAGE BOARD TO MAKE NATURAL DRAIN #4 A LEGAL DRAIN

THIS RESOLUTION of the Common Council of the City of Fort Wayne WITNESSETH THAT:

WHEREAS, there exists in Allen County a natural drain designated generally as Natural Drain #4 which drains many acres both within and without the City of Fort Wayne; and

WHEREAS, said Natural Drain #4 has never been designated a legal drain so as to confer jurisdiction on the Allen County Drainage Board for purposes of cleaning, repairing and improving said drain; and

WHEREAS, because of lack of maintenance and repair, said natural drain is unable to carry the volume of water from its drainage area which has resulted in substantial losses to property because of flooding; and

WHEREAS, Clause Nine of Section 53 of the Acts of the Indiana General Assembly 1905 (Burns 48-1407) provides among other powers of the Common Council of Cities as follows:

"To authorize the cleansing and purification of water and water-courses by the Board of Public Works or other designated authority; to prevent encroachment or injury to the banks of streams or the casting into the same of offal, dead animals, logs, rubbish, dirt or impure liquids. For the purposes of this clause, jurisdiction is hereby conferred upon cities for ten (10) miles from the corporate limits thereof."

AND WHEREAS, Article 2 of the Indiana Drainage Code, Acts 1965, Chapter 305 (Burns 27-2101) provides that the Common Council

of a city may petition for the establishment of a legal drain so long as lands in such city are drained,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Fort Wayne that:

1. By way of this resolution, the City of Fort Wayne petitions to the Allen County Drainage Board that Natural Drain #4 be made and classified as a legal drain, pursuant to the terms of the Indiana Drainage Act.

2. That attached to this resolution as Exhibit A is a list of the owners of more than 75% of the properties to be drained, together with a description of the same.

3. That said Natural Drain #4 runs generally from the Paulding Road area in Section 30, Adams Township, through Sections 25 and 36 of Wayne Township or from the Paulding Road area to Anthony Boulevard, past Hanna Street, across the Tillman Road to the St. Marys River.

4. That this Council is of the opinion that the costs, damages and expenses of the proposed improvement will be less than the benefits which will resolve to the owners of land benefitted and to the citizens of Fort Wayne and Allen County.

5. That in the opinion of this Council the improvement will:

a) improve public health by reducing pollution by providing for the elimination of stagnant pools and by an increase of the flow within said natural drain;

b) be of benefit in preventing the flooding of streets, roads and highways within Allen County, Indiana;

c) will be of public utility.

6. That all of the lands to be drained lie within the ten-mile jurisdiction of the Common Council of the City of Fort Wayne.

7. That the City Attorney of the City of Fort Wayne is the attorney for the petitioner.

_____ Wm R. Beake

APPROVED AS TO FORM
AND LEGALITY.

J. H. Broad
CITY ATTORNEY

Read the first time in full and on motion by Geake seconded by Steigerwald and duly adopted, read the second time by title and referred to the (Committee on) City Utilities (and to the City Planning Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196____, at _____ o'clock P.M., E.S.T.

Date: 5-12-70 5-11-67 Frank G. Bonahoom
City Clerk

Read the third time in full and on motion by Dunifon seconded by Rousseau and duly adopted, placed on its passage.
Passed (1967) by the following vote:

AYES	7	NAYS	0	ABSTAINED	_____	ABSENT	2	to-wit:
Adams	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Dunifon	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Fay	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Geake	<u>✓</u>	_____	_____	_____	_____	_____	<u>✓</u>	
Nuckols	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Robinson	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Rousseau	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Steigerwald	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Tipton	_____	_____	_____	_____	_____	_____	<u>✓</u>	

Date 5-26-70 Frank G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. R-75-7

on the 26th day of May, 196 70.

ATTEST: (SEAL)

Frank G. Bonahoom Phil A. Steigerwald
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of May, 196 70 at the hour of 8:30 o'clock PM, E.S.T.

Frank G. Bonahoom
City Clerk

Approved and signed by me this 28th day of May, 1970 at the hour of 9:07 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor

Bill No. R-70-05-11

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
by way of Resolution to the Allen County Drainage Board to Make Natural Drain
#4 a Legal Drain,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

WILLIAM K. GEAKE, Chairman

JACK K. DUNIFON, Vice-Chairman

CELIA ANN FAY

JOHN NUCKOLS

EDWIN J. ROUSSEAU

Jack K. Dunifon
Celia Ann Fay
John Nuckols
Edwin J. Rousseau

CONCURRED IN

DATE 5-26-70 FUAD G. DONAHOO, CITY CLERK